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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,131	11/22/2000	Ralph L. Bass	1136/8	2281

24239 7590 05/05/2003

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2200 W MAIN STREET  
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DURHAM, NC 27705

EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED: 05/05/2003

#14

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09/721,131	11/22/2000	Bass	014123-000008
EXAMINER			
Choi			
ART UNIT		PAPER	
1616		14	

DATE MAILED:

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Commissioner for Patents

## Notice of Defective Brief

The appeal brief filed on 4/25/2003 is defective pursuant to MPEP §1207 and 37 CFR 1.195, and 37 CFR 1.192(c)(7) and MPEP §1206.

The Appeal Brief submitted by the Applicant attached an appendix containing 38 references, which are now being present for the first time after appeal, purporting to provide evidence of credible utility. MPEP § 1207 requires that new evidence must be submitted in a paper separate from the appeal brief. However, even if Applicant resubmits said references in a separate paper, pursuant to 37 CFR 1.195, said references would not be entered as they are untimely.

In the Appeal Brief, Applicant argues for the separate patentability for claim 28. However, in the last sentence of the section in which said arguments were made, Applicant also requested withdrawal of the rejection of claim 27. No arguments were made relative to claim 27 and no statement was made that claim 27 does not stand or fall together with the other claims. 37 CFR 1.192(c)(7). MPEP § 1206.

To avoid dismissal of the appeal, appellant must ratify the appeal brief within the longest of any of the following TIME PERIODS: (1) ONE MONTH or THIRTY DAYS from the mailing of this communication, whichever is longer; (2) within the time period for reply to the action from which appeal has been taken; or (3) within two months from the date of the notice of appeal under 37 CFR 1.191. Extensions of these time periods may be granted under 37 CFR 1.136.

A facsimile center has been established in Technology Center 1600. The hours of operation are Monday through Friday, 8:45 AM to 4:45 PM. The telecopier numbers for accessing the facsimile machines are (703) 308-4556 or (703) 305-3592.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Choi whose telephone number is (703) 308-0067. Examiner maintains a flexible schedule. However, Examiner may generally be reached Monday-Friday, 8:00 am – 5:30 pm (EST), except the first Friday of the each biweek which is Examiner's normally scheduled day off.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. José Dees, can be reached on (703) 308-4628. Additionally, Technology Center 1600's Receptionist and Customer Service can be reached at (703) 308-1235 and (703) 308-0198, respectively.

FIC

May 2, 2003

JOHN PAK  
PRIMARY EXAMINER  
GROUP 1200